

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RONALD WAYNE CUPP,

Plaintiff(s),

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant(s).

)
)
)
)
)
)
)
)
)
)

Case No. 4:10CV498 JCH
(TCM)

ORDER

This matter arises on the Report and Recommendation of United States Magistrate Judge Thomas C. Mummert, III, filed October 25, 2010. See 28 U.S.C. §636. In his report, Magistrate Judge Mummert recommends that the Court grant the motion of Michael J. Astrue, Commissioner of Social Security, to dismiss this action. Plaintiff filed objections to the Report and Recommendation on November 5, 2010. (Doc. No. 11).

After review of the entire record in this matter, the Court concurs in the Magistrate Judge's findings, and will adopt the Report and Recommendation. Accordingly, the Court will grant Defendant's Motion to Dismiss, and dismiss this case with prejudice.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (Doc. No. 10) is adopted and incorporated herein.

IT IS FURTHER ORDERED that Defendant Secretary's Motion to Dismiss (Doc. No. 7) is **GRANTED**, and Plaintiff's Complaint is **DISMISSED** with prejudice. A separate Judgment shall accompany this Order.

Dated this 11th day of January, 2011.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE